THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9526 of 2007

Date: 01.5.2007

Between:

P.Jeevan Reddy and others

....Petitioner

and

The Government of Andhra Pradesh
Represented by its Secretary, Revenue Department,
Secretariat Buildings, Hyderabad and another.

....Respondents

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O R D E R:

Petitioners state that they are the owners of various extents of lands in Sy.No.288/1T of Mucherla Revenue Village, Sairedyguda Gram Panchayat, Kandukur Mandal, Ranga Reddy District. It is also stated that they intend to sell the said land, and approached the second respondent along with the prospective buyers for registration of the same. The grievance of the petitioners is that the second respondent is not accepting the documents for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the second responde`nt to receive and process the document presented by the petitioners and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

1.5.2007
msv

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77